



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,253	01/10/2006	Guillaume Bichot	PU030043	8002
24498	7590	09/18/2009		
Thomson Licensing LLC P.O. Box 5312 Two Independence Way PRINCETON, NJ 08543-5312			EXAMINER GESESSE, TILAHUN	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,253	Applicant(s) BICHOT ET AL.	
	Examiner TILAHUN GESESSE	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/17/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2009 has been entered.

Response to Amendment

2. The amendment filed 8/31/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: there is no support of “the video channel provides both downlink and uplink capability” in specification as originally filed. Therefore, the amendment of claims without support in the specification as originally filed introduces new matter to the disclosure of the invention.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. Claims 1,7,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claims that are indicated as amended above, recites " the video channel provides both downlink and uplink capability" then recite " maintaining the video channel in a one way broadcast-only mode at least the video channel carries video, thereby precluding a subscriber from up-linking information on the video channel" these two citation contradict each other or fail to point out what is included or excluded by the claim language. This is an omnibus type claims.

Response to Arguments

4. Applicant's arguments filed 8/31/09 have been fully considered but they are not persuasive.

On page 6, fourth paragraph of response of the office correspondence , applicant argued that Aaltonen and Sibley do not teach or suggest the video channel provides both downlink and uplink capability.

The examiner respectively disagrees.

Aaltonen does not expressly teach encoding the video into at least one prescribed format and uplink video channel.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1) and Aaltonen teaches down link and uplink video channel (see figs. 12-13) in which video broadcasting station 214 transmits video uplink channel to satellite 218 and satellite 218 transmit video downlink channel to base station 220 and rebroadcast to locally located users (232).

The disclosed evidence that one of ordinary skill in the art would have recognized that video channel broadcast uplink to satellite and downlink to the terrestrial receiver of

Art Unit: 2618

Aaltonen in combination of Sibley the result is predictable.

The encode the video to convert into different format in order to broadcast the video using RF frequency, that one of ordinary skill in the art could have applied the know “improvement” technique in the same way to the Sibley and result would have been predictable to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley, therefore, it would be desirable to provide video (TV) channel to mobile devices in a reliable and cost effective manner [0007].

On page 6, sixth of response of the office correspondence , applicant argued that no detailed explanation is provided as to how such a conclusion was reached based on Sibley's specific teaching. There is no suggestion in the cited references or from knowledge of one skilled in the art, of some advantage of modifying Aaltonen as taught by Sibley.

The examiner respectively disagrees.

The disclosed evidence that one of ordinary skill in the art would have recognized that video channel broadcast uplink to satellite and downlink to the terrestrial receiver of Aaltonen in combination of Sibley the result is predictable.

The encode the video to convert into different format in order to broadcast the video using RF frequency, that one of ordinary skill in the art could have applied the know “improvement” technique in the same way to the Sibley and result would have been predictable to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley, therefore, it would be desirable to

Art Unit: 2618

provide satellite video (TV) channel transmission to mobile devices in a reliable and cost effective manner [0007].

Similar response applies as to claims 7 and 13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,5-8,13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al (USPN 7,236,771 B2) in view of Sibley (US Pub 2001/0053700 A1) hereafter "Aaltonen and Sibley".

Claim 1, Aaltonen teaches a method for providing video to at least one Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,(network 15, column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel (network 27 and device 3 of fig.)over which data is transmitted (11 a-11 c) (video broadcast channel (120) different from data channel see figure 2)in which

Art Unit: 2618

unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only mode at least while the video Channel carries video, (120 of fig.2) thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does not transmit request signal back to the network but request signal is transmitted via network (27)).

Aaltonen does not expressly teach encoding the video into at least one prescribed format and uplink video channel.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1) and Aaltonen teaches down link and uplink video channel (see figs. 12-13) in which video broadcasting station 214 transmits video uplink channel to satellite 218 and satellite 218 transmit video downlink channel to base station 220 and rebroadcast to locally located users (232).

The disclosed evidence that one of ordinary skill in the art would have recognized that video channel broadcast uplink to satellite and downlink to the terrestrial receiver of Aaltonen in combination of Sibley the result is predictable.

The encode the video to convert into different format in order to broadcast the video using RF frequency, that one of ordinary skill in the art could have applied the know "improvement" technique in the same way to the Sibley and result would have been predictable to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley, therefore, it would be desirable to provide video (TV) channel to mobile devices in a reliable and cost effective manner

Art Unit: 2618

[0007].

Claims 5-6 Aaltonen teaches the video is received from multiple sources (see figure 1, internet and TV network 13 and 15 of figs.1-2).

Claims 7-8, Aaltonen teaches a method for providing video to at least one Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,(network 15, column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted (1 la-1 1c) (video broadcast channel (120) different from data channel between network 27 and device 3) see figure 2) in which unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only mode at least while the video Channel carries video, (120 of fig.2) thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does not transmit request signal back to the network but request signal is transmitted via network (27).

Aaltonen does not expressly teach encoding the video into at least one prescribed format and uplink video channel.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1) and Aaltonen teaches down link and uplink video channel (see figs. 12-13) in which video broadcasting station 214 transmits video uplink channel to satellite 218 and

Art Unit: 2618

satellite 218 transmit video downlink channel to base station 220 and rebroadcast to locally located users (232).

The disclosed evidence that one of ordinary skill in the art would have recognized that video channel broadcast uplink to satellite and downlink to the terrestrial receiver of Aaltonen in combination of Sibley the result is predictable.

The encode the video to convert into different format in order to broadcast the video using RF frequency, that one of ordinary skill in the art could have applied the know “improvement” technique in the same way to the Sibley and result would have been predictable to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video information into digital form ,as taught by Sibley, therefore, it would be desirable to provide video (TV) channel to mobile devices in a reliable and cost effective manner [0007].

Claim 13, Aaltonen teaches a method for providing video to at least one Subscriber(3) in a wireless Local Area Network (1) broadcast video information and local access network (27) (see figure 1 and (column 1, lines 30-37 and col. 3, lines 38-col. 4, line 9).

Aaltonen teaches receiving video from at least one source,(network 15, column 3, lines 44-48).

Aaltonen teaches broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted (1 la-1 1c) (video broadcast channel (120) different from data channel between network 27 and device 3) see figure 2) in which unidirectional video broadcasting stations to terminal subscriber (3).

Aaltonen teaches maintaining the video channel in a one-way Broadcast only

Art Unit: 2618

mode at least while the video Channel carries video, (120 of fig.2)

thereby precluding a subscriber from up-linking information on the video channel (see figure 2, video channel is a one-way broadcast only mode (120) which does not transmit request signal back to the network but request signal is transmitted via network (27).

Aaltonen teaches providing a bi-directional wireless data channel for a data LAN separate and distinct from the video LAN and in communication with mobile station device (see figure 2) in which network 27 and device 3 interfaces data channel wirelessly.

Aaltonen does not expressly teach encoding the video into at least one prescribed format and uplink video channel.

However, Sibley teaches TV broadcasting network, which encodes TV information into prescribed format (see paragraph 0036 and fig.1) and Aaltonen teaches down link and uplink video channel (see figs. 12-13) in which video broadcasting station 214 transmits video uplink channel to satellite 218 and satellite 218 transmit video downlink channel to base station 220 and rebroadcast to locally located users (232).

The disclosed evidence that one of ordinary skill in the art would have recognized that video channel broadcast uplink to satellite and downlink to the terrestrial receiver of Aaltonen in combination of Sibley the result is predictable.

The encode the video to convert into different format in order to broadcast the video using RF frequency, that one of ordinary skill in the art could have applied the know “improvement” technique in the same way to the Sibley and result would have been predictable to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to encode video

Art Unit: 2618

information into digital form ,as taught by Sibley, therefore, it would be desirable to provide video (TV) channel to mobile devices in a reliable and cost effective manner [0007].

Claim 14, Aaltonen teaches setting up different protocol layers with a minimum static configuration within the mobile wireless communication device (see column 3, line 38-column 4, lines 11 and figs.1-2).

7. Claims 2-4,9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen in view of Sibley, as applied to claims 1,5-8 and 13-14 above, and further in view of Benveniste (US 2003/0174690).

Claim 2-4, 9-12 Aaltonen does not expressly teach wireless LAN utilizes at least one of the IEEE 802.11 and ETSFHiperlan2 protocols and NAV (network allocation Vector).

However, Benveniste teaches wireless LAN utilizes at least one of the IEEE802.11 and ETSFHiperlan2 protocols and NAV (network allocation Vector) (see paragraph 0016-0017 and 0029).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use IEEE802.11 and ESTFHiperlan2 protocols, as taught by Benveniste, in order to minimize the costly infrastructure using short range accessing point.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone

Art Unit: 2618

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 15, 2009
T.B.G

Tilahun B Gesesse
Primary Examiner
Art Unit 2618

/Tilahun Gesesse/
Primary Examiner, Art Unit 2618